

## REMARKS

The claims in the application are 1-4, 6-16 and Claims 17-20 added by the present amendment.

Favorable reconsideration of the application as amended is respectfully requested.

The specification and Claims 10 and 13-15 have been amended to eliminate the objections raised in paragraphs 2 and 3 of the Final Office Action. Independent Claim 1 has been amended to clearly recite that in a sectional direction between the upper and lower ground structures 1,1 of the three-dimensionally knitted base material, portions 3 are present which entirely omit the connection thread 2 from both ground structures 1,1 and the interior therebetween, to unequivocally address the rejection under 35 U.S.C. §112, second paragraph, raised in paragraph 5 of the Final Office Action (reference is being made to preferred embodiments of the present invention illustrated in the drawings of the present application). The claimed structure is quite clearly shown, e.g., in Figs. 1 and 2 of the present application; it is respectfully requested the Examiner contact, by telephone, the undersigned attorney should the Examiner wish to propose alternative language for Claim 1.

Claims 1-4 and 6-16 have been rejected under 35 U.S.C. §102(e) as being anticipated by newly-cited U.S. Pat. No. 6,569,789 to Shioda et al (belonging to assignee) in paragraph 7 of Final Office Action, while Claims 1-4 and 7-16 have been rejected under 35 U.S.C. §103 as obvious over previously-cited U.S. Patent No. 5,589,245 to Roell in view of previously-cited U.S. Pat. No. 4,201,825 to Ebneith and

newly-cited EP 748889 to Helbig et al in paragraph 9 of the Final Office Action. Claim 6 has been rejected as obvious over Roell and Ebneth and additionally in view of either previously-cited U.S. Pat. No. 5,532,052 to Eng et al or Shioda et al in paragraphs 10 and 11 of the Final Office Action.

Concerning Shioda et al, it is suggested in paragraph 7 at the top of page 7 of the Final Office Action, that the claims be limited to exclude a foam layer; attention is respectfully called to Claims 17 and 18 introduced herein. However, it is respectfully pointed out Shioda et al fail to anticipate the claimed invention because Shioda et al fail to shown interconnecting thread 2 with spaced portions 3 omitting interconnecting thread 2 as recited in the claimed invention. Since Shioda et al belong to a common assignee with the present application, under M.P.E.P. §706.02(k) Shioda et al cannot be used as a reference against the present application under 35 U.S.C. §§102(e)/103. By the same token, the rejection of Claim 6 in paragraph 11 of the Final Office Action is eliminated for this reason.

Concerning the other applied art, in the first full paragraph on page 8 of the Final Office Action, it is asserted the present application fails to show interweaving of upper and lower ground structures and relationship with the connection thread; hence Fig. 9 of Roell is regarded as showing omission of pile thread 5 in a sectional direction where the pile thread 5 is carried over the warp threads 4 (column 2, lines 49-62). Helbig et al are also cited as allegedly showing this structure.

However, it is respectfully pointed out the present application quite clearly describes and illustrates interconnecting upper and lower ground structures 1,1 by the connecting thread 2. Furthermore, if one were to make a sectional cut through any portion of the structure shown in Fig. 9 of Roell, the pile thread 5 in Roell would be severed. Attention is respectfully called to independent Claim 1 which has been amended to recite complete omission of connecting thread 2 between and through the upper and lower ground structures 1,1 at locations 3.

Concerning the other comments made in the Final Office Action, it is respectfully submitted the amendment to independent Claim 1 should eliminate the indefiniteness question raised in paragraph 1.a. of the Final Office Action. In paragraph 1.b. of the Final Office Action, it is asserted disclosure at column 6, line 9 of Roell concerning electric blankets suggests use of conductive materials. However, Roell is explicitly directed to using textiles having good insulation capability (column 1, line 10), with such good insulation being explicitly required in electric blankets for safety. Accordingly, such interpretation of Roell could , at most, only be garnered in hindsight of the disclosure found in the present application.

In the last paragraph on page 3 of the Final Office Action, it is asserted applicants' arguments are not commensurate with the scope of the claims because the requisite features are not found in the claims. Attention is respectfully called to Claims 19 and 20 introduced herein and which explicitly recite these features and find explicit

support, e.g., on page 9 and in Table 1 on page 24 of the present application.

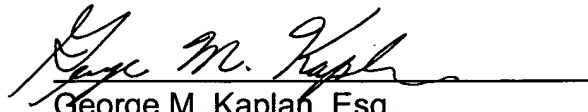
Concerning the assertion in paragraph 1.c. of the Final Office Action, that the features of e.g., improved shielding and reduced compressive stress, separation of coating and cutting debris would be expected in Ebneht, it is respectfully pointed out such reasoning must be supported by explicit evidence such advantages would absolutely occur in Ebneht. In the absence of such evidence, it is clear the combination of Ebneht and Roell, at most, just constitutes improper hindsight reconstruction of the claimed invention in light of the disclosure found in the present application.

Helbig et al just relate to preparation of a spacer knitwear and contain no suggestion of providing a shielding gasket as in the fashion of the present invention. Accordingly, any combination of Helbig et al with Roell and/or Ebneht could only be fashioned in hindsight of the present invention. Eng et al add nothing to the teachings of any of these references which would render obvious the present invention recited in any claim. The remaining art of record has not been applied against the claims and will not be commented upon further.

Accordingly, in view of the forgoing amendment and accompanying remarks, it is respectfully submitted the present application is in condition for allowance. Please contact the undersigned attorney should there be any questions. A petition for an automatic two month extension of time for response under 37 C.F.R. §1.136(a) is enclosed in triplicate together with the transmittal for filing a Request for Continued Examination (RCE) and petition and RCE fees.

Early favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George M. Kaplan", is written over a horizontal line.

George M. Kaplan, Esq.

Reg. No. 28,375

Attorney for Applicant(s)

DILWORTH & BARRESE LLP.  
333 Earle Ovington Blvd.  
Uniondale, NY 11553  
(516) 228-8484